

**Minutes of Land Use, Parks and Environment (LUPE) Committee  
Tuesday, June 16, 2015**

Chair Jaske called the meeting to order at 8:30 a.m. and led the committee in the Pledge of Allegiance.

**Committee Present:** Supervisors Pauline Jaske, Eric Highum, Keith Hammitt, Jennifer Grant, Jim Batzko, Bill Mitchell and Tom Schellinger.

**Also Present:** Legislative Policy Advisor Sarah Spaeth, Administrative Specialist Karen Phillips, Planning and Zoning Manager Jason Fruth, Hazardous Materials Coordinator Steve Todd, Park System Manager Duane Grimm, Senior Financial Analyst Steve Trimborn, Administrative Planner Jeff Herrmann of the Town of Genesee and Town of Genesee Chairman Sharon Leair.

**Approve Minutes of May 19, 2015**

MOTION: Hammitt moved, second by Batzko to approve the minutes of May 19, 2015. Motion carried 7-0.

**Correspondence**

- Letter from the DNR regarding statewide habitat areas in the Town of Summit

**Executive Committee Report of June 15, 2015**

Jaske reviewed the items considered at the Executive Committee meeting:

- Ordinances relative to repeal of the county code regarding flotation devices and the creation of a two-county federated library system (Waukesha and Jefferson Counties) were approved.
- Two appointments were approved.

**Legislative Update**

Spaeth stated that the Joint Finance Committee (JFC) is currently on a break from their work on the governor's budget. Remaining areas of consideration include transportation, financing for a new Bucks arena and prevailing wage. Policy changes related to shoreland zoning in the budget are likely to result in modifications to the Waukesha County code as zoning restrictions are lessened.

**Future Meeting Date**

- July 21, 2015

**Nomination and Election of Vice Chair**

MOTION: Hammitt moved, second by Schellinger to elect Jennifer Grant as vice chair of the LUPE Committee. Motion carried 7-0.

**Nomination and Election of Secretary**

MOTION: Hammitt moved, second by Schellinger, to elect Jim Batzko as secretary of the LUPE Committee. Motion carried 7-0.

**Ordinance 170-O-025: Adoption Of Town Of Genesee Zoning Code And Map To Replace General County Zoning In The Town Of Genesee (ZT-1728A)**

Fruth was present to discuss this ordinance which will approve a new Town of Genesee zoning code and map to replace general county zoning in the Town of Genesee. Fruth gave an overview of the proposal and stated staff has worked closely with Jeff Herrmann over the past year reviewing the code and suggesting revisions. The town code will be very similar to the county code with the county still administering shoreland zoning. Fruth noted several of the issues that were different from the county zoning code including grading provisions, accessory buildings, parking standards, solar and wind energy, wetland setback, etc.

Planning and zoning staff recommends approval of the Town of Genesee's request to adopt its own zoning code. Staff is satisfied the code will be an effective tool for the town and will continue to offer assistance to the town during transition. If approved, the change would take effect on July 1, 2015.

Lair expressed thanks to county staff for their extensive assistance in this endeavor.

MOTION: Mitchell moved, second by Highum to approve Ordinance 170-O-025. Motion carried 7-0.

**Ordinance 170-O-026: Amend The Text Of The Town Of Mukwonago Zoning Code To Modify Subsection 82-131(1) Relating To The Keeping Of Livestock In The A-1 Agricultural District (ZT-1808)**

This ordinance will authorize an amendment to the Town of Mukwonago zoning code relating to the keeping of livestock within the A-1 Agricultural District. Fruth explained this minor text amendment was prompted by a request from a property owner.

Fruth explained the A-1 District allows for parcels as small as three acres and accommodates both agricultural and limited residential uses. The town drafted a proposal that would allow for adjacent lands owned by the same owner to be used in calculating the number of allowable livestock and provides individuals with the ability to petition the town plan commission to increase the number of allowable animals if a lease of adjacent lands is secured and such lands that are zoned C-1, EC, A-1, AE or AP.

Jaske asked about the nature of the "no votes" by the town board and the park and planning commission. Fruth stated he believes it had to do with concerns with change, and particularly a distaste for bringing forward town code changes for one property owner.

Planning and zoning staff recommends that the proposed text amendment be approved. The proposed amendment is very minor in nature and will provide more flexibility to rural residents for keeping animals.

MOTION: Hammitt moved, second by Grant to approve Ordinance 170-O-026. Motion carried 7-0.

**Ordinance 170-O-027: Amend The District Zoning Map Of The Town Of Mukwonago Zoning Code By Conditionally Rezoning Certain Lands Located In Part Of The NW ¼, SW ¼ And NE ¼ Of Section 18, T5N, R18E, Town Of Mukwonago, Waukesha County, Wisconsin, From The A-P Agricultural Land Preservation District To The A-1 Agricultural District (ZT-1809)**

Fruth discussed this ordinance that will rezone approximately 6.6 acres of land from the A-P Agricultural Land Preservation District to the A-1 Agricultural District to allow for the creation of two

3.3 acre lots to be divided off of the 180 acre farm. The proposal does not create any additional density as there are already two homes on the subject land. The acreage is being divided to settle an estate.

Planning and zoning staff recommends that this request be approved. The rezoning is consistent with plan designations and will allow for two existing residences and respective outbuildings to be located on two individual lots.

MOTION: Batzko moved, second by Hammitt to approve Ordinance 170-O-027. Motion carried 7-0.

**Ordinance 170-O-028: Year 2015 Approval Of Amendment To The Comprehensive Development Plan For Waukesha County (1A – Oconomowoc Town Board), Section 23, T8N, R17E, Town Of Oconomowoc**

Fruth reviewed this ordinance which approves an amendment to the Comprehensive Development Plan to amend the land use designation for property located in Section 23 of the Town of Oconomowoc from the Commercial and Office Park category to the Governmental and Institutional category to accommodate a proposed municipal salt shed and other future town facilities.

Planning and zoning staff recommends this request be approved. The site is well located for municipal use at the intersection of two county trunk highways. The site is also immediately proximate to the existing town hall complex. Proper screening and attention to truck movements should mitigate the potential noise concerns for neighbors. Development of the site will trigger the need for storm water permits from the Land Resources Division and site runoff will be addressed at the time when detailed plans are proposed. These and other specific site layout issues can be fully addressed during the site plan review process.

MOTION: Mitchell moved, second by Hammitt to approve Ordinance 170-O-028. Motion carried 7-0.

**Ordinance 170-O-029: Accept Site Assessment Grant From Wisconsin Economic Development Corporation And Amend 2015 Waukesha County Department Of Parks And Land Use Budget To Authorize Grant Expenditures**

Todd was present to discuss this ordinance which authorizes the Department of Parks and Land Use to accept and appropriate \$12,818 of site assessment grant revenues from the Wisconsin Economic Development Corporation (WEDC). The grant will be used to the clean up soil contamination at the 2.48 acre Marks Road site in the Town of Oconomowoc. The estimated cost to complete this project is approximately \$19,400. The grant contract stipulates that WEDC funds will cover 2/3 of the estimated project costs. Remaining project costs of nearly \$6,600 will be paid for out of the existing 2015 Parks and Land Use budget.

Todd distributed and reviewed an informational handout on the subject property. A brief history of the property was discussed. The county acquired the 2.48 acre parcel through a tax foreclosure in 2013. In 2014, petroleum contaminated soil was discovered and an environmental case was opened with the Wisconsin Department of Natural Resources. While the county is not required to clean up the soil, it is desirable to do so in order to sell the property and get it back on the tax rolls.

Hammitt asked what caused the contamination. Todd stated the previous owner stored junk vehicles on the lot. Leakage/runoff from those vehicles is the likely source of contamination. He clarified that the

grant funding is intended for environmental investigation only and does not include removal of contaminated soil; however, he believes the extent of contamination is minimal.

MOTION: Batzko moved, second by Schellinger to approve Ordinance 170-O-029. Motion carried 7-0.

**Ordinance 170-O-030: Amend The Waukesha County Code Of Ordinances By Repealing And Recreating Sec. 14-167(a) Park Rules Regarding Certain Flotation Devices**

This ordinance amends the Waukesha County code of ordinances for park rules, bathing and swimming regulations to allow for the use of certain flotation devices. Grimm explained background of the policy and the reasons for the proposed changes. He noted that only U.S. Coast Guard approved life jackets and vests would be allowed. This policy change is consistent with best practices at other aquatic facilities in Wisconsin.

Grimm addressed the lifeguard shortage in the area. Consequently, the county has changed Minooka and Mukwonago Parks into swim at your own risk beaches because they have the lowest average of daily beach visitors. Signage clearly states this new policy. The beaches and facilities will still be maintained daily, but flotation device usage rules will not be enforced at the beaches without lifeguards.

MOTION: Hammitt moved, second by Highum to approve Ordinance 170-O-030. Motion carried 7-0.

MOTION: Mitchell moved, second by Hammitt to adjourn the meeting at 9:35 a.m. Motion carried 7-0.

Respectfully submitted,

Jim Batzko  
Secretary